

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAMIEN T. GREEN, ANTWAN DAVIS
and LAURENT JONES,

Plaintiffs,

v.

UNITED STATES OF AMERICA, as a whole,
CONGRESS, UNITED STATES SUPREME COURT,
as a whole, 13 COLONIES, GEORGIA,
SOUTH CAROLINA, NORTH CAROLINA, VIRGINIA,
MARYLAND, DELAWARE, PENNSYLVANIA,
NEW JERSEY, NEW YORK, RHODE ISLAND,
MASSACHUSETTS, NEW HAMPSHIRE,
CONNECTICUT, JANE DOES 1-25
and JOHN DOES 1-25

Defendants.

ORDER

11-cv-163-slc

This is a group action brought by plaintiffs, inmates at the Columbia Correctional Institution, alleging violations of their constitutional rights. In an order entered in this case on March 7, 2011, I explained that under *Boriboune v. Berge*, 391 F.3d 852, 856 (7th Cir. 2004), each plaintiff is subject to the Prisoner Litigation Reform Act and must pay a separate \$350 filing fee. In addition, I cautioned plaintiffs about the consequences of prosecuting this lawsuit in a group complaint. I gave plaintiffs until April 1, 2011, to advise the court whether each of them wishes to prosecute this action jointly and to submit a trust fund account statement covering the period from September 1, 2010 to March 1, 2011 so that initial partial payments could be assessed. In response to the March 7 order, only plaintiff Green has submitted the required trust fund account statement. There has been no response from plaintiffs Davis and Jones.

From plaintiff Green's statement, I have calculated his initial partial payment to be \$3.17. If plaintiff Green does not have the money to make the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that plaintiff Green is free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount he must pay at this time is the \$3.17 initial partial payment. Before prison officials take any portion of that amount from plaintiff Green's release account, they may first take from his regular account whatever amount up to the full amount he owes.

Because plaintiffs Davis and Jones have not responded to the court's order, I will assume that they have voluntarily withdrawn from this lawsuit, so I will dismiss them from the case and I will not charge them any portion of the \$350 filing fee.

ORDER

IT IS ORDERED that

1. Plaintiff Green may have until May 2, 2011, in which to submit \$3.17 as an initial partial payment of the \$350 fee for filing this case. If, by May 2, 2011, plaintiff Green fails to make the necessary initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily.
2. Plaintiffs Antwan Davis and Laurent Jones are considered to have opted out of this lawsuit and are DISMISSED from the action. None of these plaintiffs owe any portion of the \$350 filing fee.

Entered this 12th day of April, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge